



The Commission for  
Local Administration in England

# **The Local Government Ombudsman's Annual Letter The London Borough of Hackney for the year ended 31 March 2007**

**The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.**

## **Annual Letter 2006/07 - Introduction**

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

## **Complaints received**

### ***Volume***

In 2006/2007 I received 228 complaints against your Council. This was 30 less than in the previous year and 183 fewer than in 2004/2005. This downward trend, although clearly slowing, is a creditable improvement.

### ***Character***

Like the preceding year, when there were 92 complaints, the majority (85, or 37%) of those received in 2006/07 concerned housing. Of these, almost two thirds were about housing repairs (33) or housing allocations (20). There were a further twelve complaints about housing sales/leaseholds, eleven concerning managing tenancies and nine relating to homelessness. The reduction in housing complaints was at a slower rate than that for complaints against the Council generally. They are an increasing proportion of the total complaints against the Council.

The second main area of complaints, well below housing, was transport and highways. Unlike other Council services, there was a notable increase in complaints here, from 20 to 33. Many of these were about the administration of parking penalties.

The next most numerous area of complaint was benefits. Complaints here, however, were more than a third fewer than in the previous year (26, down from 42) and were at less than a fifth of the level in 2004/05 (137). So the dramatic reductions seen in recent years have continued, albeit more slowly. Twenty three of these complaints were about housing benefit and three were about council tax benefit. Complaints about public finance (local taxation) showed an almost identical reduction, down from 42 to 24.

Last year we categorised 25 complaints as 'other'. Such complaints cover a wide range of subjects, but of particular note to the Council is that 16 concerned anti-social behaviour. Such problems are frequently, but not exclusively, associated with housing issues. We also received 18 complaints about planning and building control. Two thirds of these were about planning applications.

## **Decisions on complaints**

Last year I made decisions on 232 complaints against the Council. In 60 cases the complaint was referred back to the Council because it had not had a reasonable opportunity of considering the matter before I became involved. A further 33 complaints were outside my jurisdiction because there was an alternative remedy which it was reasonable to expect the complainant to pursue. In 61 cases I found there had been no or insufficient fault by the Council to warrant my involvement and in a further 32 cases I found there was insufficient injustice to pursue an investigation further.

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

### **Reports**

I issued three reports against your Council last year. They were from different complainants and related to different developments, but all concerned substantial delays in planning enforcement. These problems are only now being resolved by additional staff and resources being put in place to address backlogs.

In the first of these cases, the Council failed to take enforcement action to deal with the unauthorised conversion of a neighbour's house into flats and the creation of a roof terrace overlooking the complainant's garden. The first complaints were in 2002. An Enforcement Notice was issued but not pursued. Further complaints in 2003 and 2004, and reference to me, led to the Council agreeing to pursue enforcement action and pay compensation to the complainant. The compensation was paid, but further action was delayed and the matter was not resolved until July 2006.

The second report also concerned the Council's failure to take enforcement action to deal with extensions and alterations to a property adjoining the complainant's home. Planning permission had been granted for alterations but the work undertaken went well beyond that which was authorised. There were long delays before any action was taken by the Council. In December 2005 the Council said it would take action, but a year later the matter was still unresolved.

In the third reported case the complainant was a landlord complaining about what had happened to a property next to one he owned. Despite being warned from the very beginning what was happening, the Council failed for more than two years to take enforcement action in relation to the erection of very substantial extensions – in effect, the size of two or three new houses – in a rear garden. There was inadequate liaison between the planning and building control departments and the Council also failed to act on complaints that the development had no foundations.

I found it helpful to attend a Council meeting to present these reports to Members to explain the basis of my decisions, and was assured that procedures had been significantly improved since the issue of the reports.

### **Local settlements**

In 2006/2007, 44 complaints were settled locally. This was 31% of the cases I could investigate (because they were not outside my jurisdiction or premature), compared to 28% nationally. The number of settlements was a significant reduction on the 79 cases in 2005/2006.

#### *Settlement of housing complaints*

Most of last year's local settlements (61%) related to housing issues, and housing complaints were much more likely to result in local settlements than complaints generally. In particular, decisions on 13 of 26 housing repair cases I could investigate were local settlements, 5 of 7 housing sales/leaseholds cases I could investigate were local settlements and 5 of 12 managing tenancies cases I could investigate were local settlements.

Delay in undertaking works was the most common problem with housing repairs. Of particular note, because they did not appear to be isolated cases, were delays in dealing with boiler repairs, works to make common entrance doors secure (and suitable for disabled tenants) and works to deal with damp and leaks. In one case the Council took four months to resolve the problem of a faulty boiler and left the complainant without heating and hot water for between eight and ten weeks. In another case, the complaint was about the Council's failure to replace or repair faulty entrance doors to a block of flats which enabled alleged perpetrators of nuisance and anti-social behaviour to enter. In a further case, the complainant had to live in damp conditions and with a cockroach infestation because of the Council's failure to deal with a leak affecting his kitchen, hall and bathroom and its failure to implement a settlement agreed under its own complaints procedure.

Amongst the other housing issues raised were:

- approximately one year's delay in granting the complainant decant status. Meantime, her flat was flooded twice
- an eight year delay by the Council in paying for part of the complainant's land developed by the Council for communal use
- the placing of the complainant, who had cancer and was required to keep warm in winter, in a property which had no heating system despite the Council's incorrect insistence that there was a gas supply. She was transferred nine weeks later, having to endure the upheaval of an unnecessary move
- an 18 month delay in rehousing an elderly tenant who was subjecting the complainant to racial harassment, because the Council would only consider housing which would allow the tenant to keep a pet.
- the Council disposed of the complainant's possessions, rather than store them, when it knew he was in prison and had his contact details.

Besides payments to complainants of about £20,000 to compensate them for injustice caused by its fault, the Council undertook works, repaid costs, reviewed procedures (including to introduce a more equitable way of charging administrative costs to estate freeholders) and reminded staff of its policies and correct procedures. Importantly, it also apologised for injustice caused.

#### *Settlement of transport and highways complaints*

There were five transport and highways local settlements, all concerning parking enforcement. In one, the Council's bailiff's acted unreasonably in pursuing a payment from the complainant in respect of a parking offence committed by her ex-husband. In another; the Council failed to write to the complainant to tell her about penalty charge notices (PCNs) issued to her because her new address had not been updated in the Council's records. In a third, an incomplete PCN was issued which did not have the required information on appeal rights, and in two cases there was delay in sending the required Notice to Owner.

Besides compensation payments totalling £400, and apologies, the Council agreed to refund and cancel parking charges and to take action to ensure all the required information is contained within the PCN.

#### *Other local settlements*

Other cases which resulted in local settlements included:

- the Council's failures, principally delay, with regard to the care and support provided to a family's three young sons who all had learning difficulties

- the Council failure to instruct its bailiffs not to take enforcement action against the complainant, when it had agreed that recovery action for council tax arrears would be suspended because of its delay in assessing a council tax benefit claim
- a 4 month delay by the Council in refunding overpaid council tax which caused financial difficulties and inconvenience to the complainant
- using the wrong criteria to assess the complainant's application for a disabled parking bay, so she received inconsistent decision reasons
- a decision to drop, on flawed grounds, enforcement action against a private school operating without planning permission next door to the complainant who had complained about noise and harassment.

In total, in the year 2006/2007, the Council paid just under £30,000 in compensation to complainants caused injustice as a result of fault by the Council.

### **Your Council's complaints procedure and handling of complaints**

Sixty (26%) of the 233 decisions I made on complaints against the Council last year were that the complaint should be passed back to the Council to consider because it had not yet had a reasonable opportunity of considering the matter before I became involved. This is in line with the national figure (28%). In 17 cases the complaints were resubmitted to me because the complainant was not satisfied with the Council's response. Of the twelve I had decided by the end of 2006/2007, I found fault causing injustice in only one case.

I expect councils to reply to my enquiries within 28 calendar days. The Council's average response time was 24.1 days, which is well within my target and to be commended. In the case of education and benefits complaints, the average times were 13 and 17.2 days respectively. However, some areas are less good. For complaints concerning housing sales/leaseholds, the average was 39.4 days. One case took 72 days. The average response time for anti-social behaviour complaints was 30 days. In one case it was 60 days. I do not consider this to be acceptable.

As happened last year, my Assistant Ombudsman, with responsibility for dealing with complaints against your Council, met regularly with your staff. He notes that in meeting with staff of Hackney Homes, his concerns about issues relating to boiler and gas repairs, entrance doors and the disposal of possessions were reflected by the staff involved. So I look forward to improvements here.

My Assistant Ombudsman and my complaint investigators commented positively on the co-operation of staff in the Corporate Complaints Unit, and others.

### **Training in complaint handling**

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

### **LGO developments**

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

### **Conclusions and general observations**

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Tony Redmond**  
**Local Government Ombudsman**  
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**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	8	26	7	2	85	25	18	24	0	33	<b>228</b>
<b>2005 / 2006</b>	7	42	5	4	92	26	19	42	1	20	<b>258</b>
<b>2004 / 2005</b>	14	137	6	7	120	27	22	48	1	29	<b>411</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	3	44	0	0	61	32	33	60	173	<b>233</b>
<b>2005 / 2006</b>	0	79	0	0	46	34	53	68	212	<b>280</b>
<b>2004 / 2005</b>	1	143	0	0	73	60	56	102	333	<b>435</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	88	24.1
<b>2005 / 2006</b>	111	26.7
<b>2004 / 2005</b>	167	27.9

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0